

## NIH POLICY MANUAL

### 2300-630-3 - LEAVE POLICY FOR NIH EMPLOYEES PARTICIPATING IN NIH MEDICAL RESEARCH STUDIES

Issuing Office: OD/OHRM/HRPSD, 496-2404

Release Date: 07/07/98

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**1. Explanation of Material Transmitted:** This instruction transmits the revised NIH Leave Policy for NIH employees who wish to participate in an NIH biomedical research study.

**2. Filing Instructions:**

**Remove:** Manual Issuance 2300-630-3, dated 02/05/87

**Insert:** Manual Issuance 2300-630-3, dated 07/07/98

**PLEASE NOTE:** For information on:

- Content of this chapter, contact the issuing office listed above.
  - NIH Manual System, contact the Division of Management Services, OMA on 496-2832, or enter this URL: <http://www3.od.nih.gov/oma/manualchapters>.
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#### A. Policy:

1. An NIH employee may take part in an NIH funded biomedical research protocol approved by the NIH Institutional Review Board (IRB), if that protocol specifies that employees may participate. Commissioned Corps Officers should contact the Medical Affairs Branch (MAB), Division of Commissioned Personnel on (301) 594-6433 for authorization requirements and limitations in participating in a biomedical research protocol study.

The protocol statement should include the time period and duration that participants will be expected to spend in the study and whether or not compensation will be offered. A copy of this statement shall be provided to the employee upon request.

2. The employee's supervisor should request a copy of the protocol statement from the employee in order to determine the appropriate leave that may be granted. Supervisors should contact the Principal Investigator to ascertain whether or not the employee will receive financial compensation and/or will accrue medical benefits.
3. The employee's supervisor shall determine if the employee may be absent from duty for the necessary period(s) of time. With the approval of the supervisor, an employee may be granted appropriate leave to participate in an NIH biomedical research study as a volunteer subject during his/her normal tour of duty.
  - a. Annual Leave or Leave Without Pay shall be requested by an employee participating in an NIH biomedical research study from which **compensation is offered and accepted by the employee.**
  - b. Annual Leave, Sick Leave or Leave Without Pay shall be requested by an employee participating in an NIH biomedical research study from which

**medical benefits are gained by the employee.**

c. Excused Absence may be granted to an employee if:

- The employee earns no money, **and**
  - The employee gains no medical benefits from participating in the study.
4. An employee may participate in an NIH biomedical research study after the employee's tour of duty without being charged annual leave, sick leave or leave without pay. An employee participating in a biomedical research study outside of his/her tour of duty must notify their supervisor of this activity when participation may impact the employee's ability to perform work during his/her tour of duty.
  5. An employee may be granted excused absence to donate blood or blood products through the facilities of the Clinical Center, Department of Transfusion Medicine provided there is no compensation received. The donation of blood or blood products is not considered to constitute participation in a biomedical research study and is not covered by this manual. Further information on the leave policy for blood donors is contained in the NIH Civilian Leave Guide.

**B. Management Controls:**

The purpose of this manual issuance is to assure that all work and related activities are conducted in full accord with statutory, regulatory and policy requirements.

1. Office Responsible for Reviewing Management Controls Relative to this Chapter - OD/OHRM/HRPSD (Issuing Office)

Through this issuance, the Office of Human Resource Management, Office of the Director, NIH is accountable for the method used to ensure that management controls are implemented and working.

2. Frequency of Review: Every 3 years
3. Method of Review: Conduct surveys among ICs
4. Review Report is sent to the Director, Office of Human Resource Management, NIH

**C. Records Retention and Disposal:**

All records (e-mail and non-e-mail) pertaining to this chapter must be retained and disposed of under the authority of NIH Manual [1743](#), "Keeping and Destroying Records," Appendix 1, NIH Records Control Schedule, Item 1900-D-3, Time and Attendance Report Files.

*NIH e-mail messages.* NIH e-mail messages (messages, including attachments, that are created on NIH computer systems or transmitted over NIH networks) that are evidence of the activities of the agency or have informational value are considered Federal records. **These records must be maintained in accordance with current NIH Records Management guidelines. Contact your IC Records Officer for additional information.**

All e-mail messages are considered Government property, and, if requested for a

legitimate Government purpose, must be provided to the requester. Employees' supervisors, NIH staff conducting official reviews or investigations, and the Office of Inspector General may request access to or copies of the e-mail messages. E-mail messages must also be provided to members of Congress or Congressional committees if requested and are subject to Freedom of Information Act requests. Since most e-mail systems have back-up files that are sometimes retained for significant periods of time, e-mail messages and attachments may be retrievable from a back-up file after they have been deleted from an individual's computer. The back-up files are subject to the same request as the original messages.

#### **D. References:**

HHS Personnel Instruction 630-1 (Absence and Leave)

NIH Civilian Leave Guide

Commissioned Corps Officer's Handbook, 1998

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